

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

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TENTH LEGISLATIVE DAY  
WEDNESDAY, JANUARY 21, 2009

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Davis and LeFavour, absent and formally excused by the Chair.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Kaela Olsen, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 20, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 21, 2009

The JUDICIARY AND RULES Committee reports that [S 1008](#) has been correctly printed.

DARRINGTON, Chairman

[S 1008](#) was referred to the Resources and Environment Committee.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William "Bill" Goesling of Moscow, Idaho, was appointed as a member of Public Charter School Commission to serve a term commencing May 12, 2007, and expiring May 12, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gayle L. O'Donahue of Meridian, Idaho, was appointed as a member of Public Charter School Commission to serve a term commencing June 5, 2008, and expiring May 12, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gayann DeMordaunt of Eagle, Idaho, was appointed as a member of Public Charter School Commission to serve a term commencing May 12, 2008, and expiring May 12, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

January 21, 2009

The Gubernatorial appointments were referred to the Education Committee.

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that R. John Taylor of Lewiston, Idaho, was appointed as a member of Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2008, and expiring April 11, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

I have the honor to inform you that Vaughn Heinrich of Meridian, Idaho, was appointed as a member of Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2008, and expiring April 11, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gavin Gee of Boise, Idaho, was appointed as a member of Idaho Endowment Fund Investment Board to serve a term commencing April 11, 2008, and expiring April 11, 2012.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

I have the honor to inform you that Kent Ireton of Twin Falls, Idaho, was appointed as a member of Commission for the Blind and Visually Impaired to serve a term commencing March 21, 2008, and expiring July 1, 2009.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Health and Welfare Committee.

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

I have the honor to inform you that Dwight Horsch of Aberdeen, Idaho, was appointed as a member of State Soil

Conservation Commission to serve a term commencing February 3, 2008, and expiring July 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffrey L. Bowen of Soda Springs, Idaho, was appointed as a member of Bingo-Raffle Advisory Board to serve a term commencing January 7, 2008, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

January 21, 2009

The Honorable Brad Little  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Blanche M. Weber of Lewiston, Idaho, was appointed as a member of Bingo-Raffle Advisory Board to serve a term commencing January 7, 2008, and expiring January 7, 2011.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C.L. "Butch" Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1009**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO VETERANS SERVICES; AMENDING SECTION 65-202, IDAHO CODE, TO PROVIDE THE ADMINISTRATOR OF VETERANS SERVICES ADDITIONAL POWER AND AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1010**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-307, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORRECTION OR ALTERATION OF SCHOOL DISTRICT BOUNDARIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHOOL DISTRICTS AND THE EXCISION AND ANNEXATION OF TERRITORY; AMENDING SECTION 33-311, IDAHO CODE, RELATING TO CONSOLIDATION, TO PROVIDE FOR CERTAIN NOTIFICATION BY THE BOARD OF CANVASSERS AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL ALTER LEGAL DESCRIPTIONS OF AFFECTED SCHOOL DISTRICTS; AMENDING SECTION 33-312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DIVISION OF SCHOOL DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-407, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ELECTIONS AND REVISION OF SCHOOL DISTRICT BOUNDARIES.

**S 1011**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE IDAHO STATE HISTORICAL SOCIETY IS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4111, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4112, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 67-4123, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE STATE HISTORICAL SOCIETY AND ITS BOARD OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-4124, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT AND TERMS OF BOARD MEMBERS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3901, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE IDAHO ARCHAEOLOGICAL SURVEY AND TO

PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 33-3902, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 33-3904, IDAHO CODE, TO REVISE A PROVISION RELATING TO CERTAIN REPORTING PROCEDURES.

**S 1012**

**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND PROPRIETARY SCHOOLS; AMENDING THE HEADING FOR CHAPTER 24, TITLE 33, IDAHO CODE, TO INCLUDE POSTSECONDARY SCHOOLS; AMENDING SECTION 33-2401, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-2402, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE PROVISIONS RELATING TO CERTAIN ANNUAL REGISTRATION FEES; AMENDING SECTION 33-2403, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO EXEMPTIONS AND TO REVISE PROVISIONS RELATING TO CERTAIN ANNUAL REGISTRATION FEES; AMENDING SECTION 33-2404, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO ISSUANCE OF CERTAIN CERTIFICATES, TO REVISE PROVISIONS RELATING TO REISSUE OF CERTAIN CERTIFICATES, TO PROVIDE FOR INFORMATION ON CERTIFICATES OF IDENTIFICATION, TO PROVIDE FOR CRIMINAL HISTORY CHECKS PRIOR TO ISSUANCE OF CERTIFICATES OF IDENTIFICATION, TO REVISE PROVISIONS RELATING TO VALIDITY OF CERTIFICATES OF IDENTIFICATION, TO PROVIDE THAT CERTAIN AGENTS CARRY CERTIFICATES OF CERTIFICATION FOR IDENTIFICATION PURPOSES IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT PROPRIETARY SCHOOLS MAINTAIN CERTAIN RECORDS, TO PROVIDE THAT PROPRIETARY SCHOOLS PROVIDE CERTAIN CRIMINAL HISTORY CHECK INFORMATION FOR CERTAIN AGENTS AS PART OF THE ANNUAL REGISTRATION PROCESS AND TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 33-2405, IDAHO CODE, TO REVISE TERMS OF A PURCHASE STATEMENT; AMENDING SECTION 33-2406, IDAHO CODE, TO PROVIDE THAT PROPRIETARY SCHOOLS OBTAIN A SURETY BOND AS A CONDITION OF REGISTRATION, TO REVISE PROVISIONS RELATING TO THE INDEMNIFICATION OF CERTAIN STUDENTS, TO REVISE TERMS OF SUCH BOND AND TO REVISE PROVISIONS RELATING TO A DEMAND UPON THE SURETY SUBMITTED BY THE BOARD OR ITS DESIGNEE; REPEALING SECTION 33-2407, IDAHO CODE, RELATING TO THE STUDENT TUITION RECOVERY ACCOUNT; AND REPEALING SECTION 33-2408, IDAHO CODE, RELATING TO ASSESSMENT OF THE STUDENT TUITION RECOVERY ACCOUNT.

**S 1013**

**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO THE COMMISSION FOR LIBRARIES; AMENDING SECTION 67-2601, IDAHO CODE, TO PROVIDE THAT THE BOARD OF LIBRARY COMMISSIONERS IS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION

33-2502, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT, REMOVAL AND TERMS OF THE BOARD OF LIBRARY COMMISSIONERS AND TO REVISE TERMINOLOGY.

**S 1014**

**BY BROADSWORD**

AN ACT

RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT; REPEALING CHAPTER 51, TITLE 54, IDAHO CODE, RELATING TO THE NATUROPATHIC PHYSICIANS LICENSING ACT.

**S 1015**

**BY SCHROEDER**

AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 1, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-116, IDAHO CODE, TO REQUIRE THE DEPARTMENT OF FISH AND GAME TO MAKE CONTACT WITH CERTAIN AGENCIES OF OTHER STATES FOR THE PURPOSE OF SOLICITING THE TRANSFER OF WOLVES, TO PROVIDE FOR ASSOCIATED COSTS; AND DECLARING AN EMERGENCY.

[S 1009](#), [S 1010](#), [S 1011](#), [S 1012](#), [S 1013](#), [S 1014](#), and [S 1015](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Stegner, seconded by Senator Kelly, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Thursday, January 22, 2009.

BRAD LITTLE, President

Attest: RUSTI HORTON, Assistant Secretary of the Senate